

HIPAA provides needed protection to Americans who otherwise could not purchase health insurance when they change or lose jobs. Approximately one in four Americans are caught in "job lock," afraid to change jobs or start their own businesses because of preexisting conditions that could prevent them from obtaining new health insurance coverage. Americans like these who lose their jobs involuntarily often find themselves in an even more serious predicament: They join the growing number of individuals without health insurance coverage.

Implementing HIPAA requires the Health Care Financing Administration to assume new responsibilities. If HCFA lacks the resources to carry out its duties, HIPAA is meaningless. Without the funds to enforce HIPAA, millions of Americans will be deprived of these important protections. Therefore, we urge the defeat of the Nickles Amendment to strike the President's request for HIPAA enforcement funds.

Sincerely yours,

RON POLLACK,
Executive Director.

Mr. KENNEDY. Mr. President, I will also mention a direct quote from the testimony of the National Association of Insurance Commissioners. They are the State commissioners. They appeared before the Ways and Means Committee last September. When they were talking about enacting HIPAA—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this is the exact quote:

Moreover, in enacting HIPAA, Congress may not have anticipated that certain States would choose not to implement and enforce its provisions and would instead place that responsibility in the hands of the federal government. This is now the situation in Missouri, Rhode Island and California. The Federal Government has new and significant responsibilities to protect consumers in these States. Fulfilling these responsibilities will require significant Federal resources.

This is not HCFA, this is not the Senator from Massachusetts. These are the commissioners of the States that have indicated that HCFA would need additional funding to make sure that the Kassebaum-Kennedy legislation to protect portability for those individuals who have preexisting conditions would be implemented.

Wisely, the chairman of our committee asked the GAO to do a report on how this program was going. The GAO report made the recommendations which the Appropriations Committee has followed in terms of the allocation of resources. It is only \$16 million, Mr. President—and the most important aspect of that provision is the \$6 million which HCFA has related to the enforcement provisions. The others, I think, are desirable to make the program of Administration proceed more efficiently, effectively. We are going to be faced tomorrow, or at least sometime, with the amendment of the Senator from Oklahoma to effectively wipe out that Federal enforcement.

Mr. President, I think that is unacceptable. That is unacceptable.

I have in my hand—and I will get into this more tomorrow—but the National Association of Insurance Commissioners, as of December 3, 1997, indicated that 30 States have failed to implement the mental health provisions. Thirty States as of December have failed to implement the mental health protections.

We were arguing out here, debating whether they had, and Senator NICKLES said, "Oh, they have implemented." We have the GAO report and through the afternoon we have been able to come up with this information, Mr. President.

What about the maternity provisions? Remember we had the drive-by deliveries just a few years ago where expectant mothers were in the hospital for 24 hours and then out the door they went and the tragedies that ensued. We took action in order to protect those mothers.

Through the legislative process, that became a part of the HIPAA program. We find out that, with regard to the States that have not enacted the provisions in terms of protecting mothers, eight States have not provided those protections—eight States. Eight States have not done that.

We were all around here at the time, Republicans and Democrats alike, commending ourselves about how we enforced that and protected the mothers, and we have this. The list goes on. We will have more of a chance to go into this in greater detail on the morrow.

But I hope that our colleagues will at least take the time to review the excellent letters that have been sent to them this afternoon that indicate strong opposition to the Nickles amendment by the leaders in the mental health community, in the disability community, as well as in other groups that are most affected. We will have others to refer to tomorrow, Mr. President.

I hope that we will, if we are serious about this issue—and I believe that we are—at least give the opportunity for the enforcement of these rights and protecting these families from the kinds of discrimination which has taken place.

I will go through tomorrow again briefly some of these stories, real life stories with real life families that had some tragic experiences that motivated us into making this change with Senator Kassebaum. I will go through those tomorrow, Mr. President. We were trying to remedy the kinds of harsh experiences that took place and devastatingly wiped out different families. I will have an opportunity to go through them in some detail on tomorrow.

So, Mr. President, we are looking forward to the continued debate on this issue. This is a very, very important matter. We are not going to take it lightly. We are all in favor of moving this legislation forward and having a

final conclusion, but not with this unacceptable amendment that would break the promise we have made to millions of American families.

I thank the Chair and yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CORRECTING ENROLLMENT OF S. 419

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 87 submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) to correct the enrollment of S. 419.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 87) was agreed to as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike "1997" and insert "1998".

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and insert "1999".

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and all that follows through "2001" and insert "1999, \$40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002".

ORDER FOR STAR PRINT—S. 1638

Mr. ENZI. Mr. President, I ask unanimous consent that S. 1638 be star printed with the changes now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on

Thursday, March 26, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I further ask unanimous consent that the vote occur on or in relation to the Enzi amendment at 10:50 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will resume consideration of the emergency supplemental appro-

priations bill with the 50 minutes remaining on the Enzi amendment to begin at 10 a.m. Following the vote on that amendment, the leader anticipates final action on the IMF amendment No. 2100, which would therefore leave the Nickles HCFA amendment and the others on the leader's list as the only outstanding issues remaining before the concluding action on the emergency supplemental appropriations bill.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed and could occur at a time to be determined by the majority leader if an agreement cannot be reached. As always, all Members will be notified as to when that vote will occur. It is still

hoped that an agreement can be worked out.

Also, the Senate can be expected to consider the Mexico decertification bill, which under the statute has a limitation of 10 hours. Therefore, votes will occur throughout Thursday's session of the Senate, with the first vote occurring at 10:50 a.m. on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Thursday, March 26, 1998, at 9:30 a.m.